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**WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC**

March 26, 2010

Via Hand Delivery

Ms. Ginny Rowen
Loudoun County Department of Planning
One Harrison Street, S.E., Third Floor
Leesburg, VA 20177

Re: Zoning Responses; ZRTD 2009-0003: Steeplechase Sportsplex

Dear Ms. Rowen:

On behalf of **Steeplechase Sportsplex, LLC** (the "Applicant"), I am providing this letter as a written response to the second round of Zoning Administration agency comments (dated March 19, 2010) in the above-referenced application. For your convenience, each of the Staff comments are stated below and the Applicant's responses follow in bold:

1. The proffer statement associated with ZRTD-2009-0003, Steeplechase Sportsplex states the property will be zoned PD-OP Planned Development - Office Park in the opening paragraph as well as Proffer 1. Concept plan. The proffer statement will need to be updated as the parcel will be zoned PD-IP Planned Development – Industrial Park.

Applicant Response: The draft Proffer Statement is enclosed and has been updated to correspond with Staff's suggestion.

2. Original Comment: *Note 8 on Sheet 1 states the current use of the property, recreation establishment indoor, is a permitted use per Section 4-503(NN) of the Revised 1993 Loudoun County Zoning Ordinance. To be a permitted use, the applicant will need to demonstrate the performance standards set forth in Section 4-503(NN) (1) and (2) can be met. If it cannot be demonstrated these performance standards can be met, the use will continue to be a special exception use under the 1993 Zoning Ordinance and will still be subject to the special exception plat and conditions of approval associated with SPEX-2002-0029.*

Updated Comment: Zoning staff wishes to clarify the necessary updates to Note 9 on Sheet 1. The applicant has referenced the standards of Section 5-403(NN)(1) and (2) would be met or modified at the time of site plan. This is not correct. Recreation establishment indoor is permitted as a by-right use per Section 4-503(NN) subject to performance standards as set forth in Section 4-503(NN)(1) and (2) OR should these

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ATTORNEYS AT LAW

performance standards not be met, the use is a special exception use per Section 4-504(Z).

As the use is currently established on the parcel, the applicant may either demonstrate compliance with Section 4-503(NN)(1) and (2) at this time or SPEX-2002-0029 would remain applicable and the use will be permitted per Section 4-504(Z). The application needs to be properly noted as to which section of the ordinance currently permits the use.

It is noted the applicant could demonstrate compliance with Section 4-503(NN)(1) and (2) with a future site plan, making the use by-right.

Applicant Response: Note 9 on Sheet 1 has been updated to correspond with Staff's suggestion. The existing land use is for a recreation establishment, outdoor and indoor, per Section 722.3.2 of the 1972 Zoning Ordinance. The development conditions approved pursuant to SPEX 2002-0029 (Steeplechase Sportsplex) remain applicable. The use is a special exception use pursuant to Section 4-504(Z) of the Revised 1993 Loudoun County Zoning Ordinance.

3. Original Comment: *Section 6-1508 states the required contents for a Concept Development Plan. Please update the plan to include the requirements as listed in Section 6-1508 such as maximum floor area ratio, maximum lot coverage, maximum building height, setbacks, buffer yards, etc.*

Updated Comment: The applicant has responded by the addition of Note 13 on Sheet 1 which states the applicant will meet or modify all zoning ordinance requirements and performance standards at time of site plan. This is not correct as modifications of the ordinance are not done in conjunction with a site plan. Please add a table to the Concept Plan that lists the ordinance standards as referenced in Section 6-1508.

Applicant Response: The Plat set has been updated to correspond with Staff's suggestion.

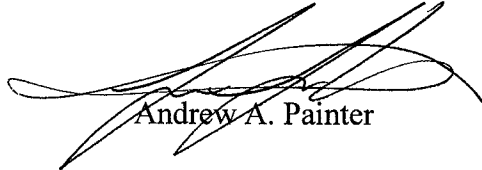
4. The delineation of the required yards on Sheet 2 should match the location of the property lines. Specifically, the property line along Atlantic Boulevard is indented along the entrance into the property. The required yards lines should also follow the same shape.

Applicant Response: Sheet 2 has been updated to correspond with Staff's suggestion.

Please find enclosed five copies of the revised plat set. We look forward to the April 28, 2010 public hearing date before the Loudoun County Planning Commission.

Very truly yours,

WALSH, COLUCCI, LUBELEY,
EMRICH & WALSH, P.C.



Andrew A. Painter

Enclosures, as stated

cc: Mr. Barry Gudelsky, Steeplechase Sportsplex, LLC
Mr. Mitchell Rosenfeld, Esq.
Mr. Benjamin Rose, Bowman Consulting Group, Ltd.
Mr. William J. Keefe, AICP, Walsh Colucci

L0188177.DOC

PROFFER STATEMENT

ZRTD 2009-0003 Steeplechase Sportsplex, LLC

March 10, 2010

March 24, 2010

Steeplechase Sportsplex, LLC, the Owner of the property described as Steeplechase Section 2, Lot 12A, and designated as Loudoun County Tax Map Number 80 ((20)) Parcel 12 (MCPI #031-46-0125), (the "Applicant"), on behalf of itself and its successors in interest, hereby voluntarily proffers that in the event that the above referenced parcel (the "Property") is rezoned by the Loudoun County Board of Supervisors (herein after referred to as "the County") to the PD-IP Planned Development Industrial Park zoning district administered under the Revised 1993 Zoning Ordinance, as substantially set forth in the Concept Plan dated October 27, 2009, revised through March 9, 2010, and further described in its application ZRTD 2009-0003, the development of the Property shall be in substantial conformance with the following conditions, pursuant to Section 15.2-2303 of the Code of Virginia (1950), as amended. These proffer conditions are the only conditions offered on this rezoning, and the prior development conditions applicable to the Property, approved with SPEX 2002-0029 (Steeplechase Sportsplex) dated March 14, 2003 are hereby reaffirmed, provided that the proffers of this application, ZRTD 2009-0001, shall become effective only upon final approval of the Zoning Map Amendment application ZRTD 2009-0003 submitted by the Applicant.

1. CONCEPT PLAN

The development of the Property shall be in substantial conformance with Sheet 2 of 2 of the plan entitled "ZRTD 2009-0003: Steeplechase Sportsplex Zoning Conversion" dated October 27, 2009, revised through March 9, 2010, prepared by Bowman Consulting Group, Ltd. and incorporated herein by reference as Exhibit A. The sheet is more specifically identified as Sheet 2 of 2 – "Concept Plan." Sheet 2 of 2 shall control the general development, layout and configuration of the Property, provided that all requirements of the PD-IP zoning

district of the Revised 1993 Zoning Ordinance must be complied with and will take precedence over the Concept Plan.

The undersigned hereby warrants that all the owners of any legal interest of the Property have signed the foregoing proffer statement, that he/she has full authority to bind the Property to these conditions, either individually or jointly with the other owners attaching their signatures hereto, and that the foregoing proffers are entered into voluntarily.

STEEPLECHASE SPORTSPLEX, LLC by

UNLESS THIS IS SIGNED ON BEHALF OF THE LLC BY ITS MANAGER, MANAGING MEMBER, OR SOLE MEMBER, APPLICANT SHAL PROVIDE DOCUMENTATION AS TO THE AUTHORITY OF THE SIGNER TO EXECUTE PROFFERS ON BEHALF OF THE LLC.

Signature: _____

Name: _____

Title: _____

Date: _____

County of Loudoun, Commonwealth of Virginia

I, the undersigned notary public, in and for the state and city/county aforesaid, do hereby certify that _____, whose name is signed to the foregoing instrument, has acknowledged the same before me.

Subscribed and sworn to before me this _____ day of _____, 2010.

My Commission Expires:

Notary Public

Notary Registration #: _____